

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

KEVIN REAVES,)	
)	
Plaintiff,)	
)	
v.)	No. 1:19-cv-00151-JPH-DLP
)	
WEXFORD MEDICAL SERVICES, <i>et al.</i>)	
)	
Defendants.)	

ORDER DENYING MOTION TO GRANT SUMMARY JUDGMENT AND MOTION TO CLARIFY

Plaintiff Kevin Reaves asks that the Court grant summary judgment in his favor asserting that he has been denied due process because, when he transferred prisons, much of his paperwork, including the defendants' initial disclosures, was lost. Dkt. 148. He also states that a prison official, who is not a defendant in this case, threatened to destroy his paperwork. *Id.* In his motion to clarify, he again asks that summary judgment be granted in his favor, stating that he filed his motion for summary judgment even though he did not have the documents he needed. Dkt. 161. In other words, Mr. Reaves requests a default judgment in his favor.

"This Circuit has a well established policy favoring a trial on the merits over a default judgment. For that reason, a default judgment should be used only in extreme situations, or when other less drastic sanctions have proven unavailing." *Sun v. Bd. of Trustees of Univ. of IL*, 473 F.3d 799, 811 (7th Cir. 2007) (citation omitted). Default judgment is "a weapon of last resort, appropriate only when a party willfully disregards pending litigation." *Id.* (citations omitted).

Mr. Reaves bases his request for summary judgment on the fact that his paperwork has been lost. He contends that he cannot pursue his claims without that documentation. But he has not shown that either of the defendants was directly responsible for the loss of his paperwork and

the Court has directed the defendants to provide him with their initial disclosures, dkt. 155, so he should have already received them or should receive them soon. He has not shown that the defendants have failed to comply with the Court's Order. He therefore has not shown the kind of willful disregard for the litigation that makes default judgment necessary.

For these reasons, the motion to grant summary judgment, dkt. [148], and motion to clarify, dkt. [161], are each **DENIED**.

SO ORDERED.

Date: 3/31/2020



James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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